

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,

Plaintiff,

v.

BIG THINK CAPITAL, INC., and

DAN ISRAEL,

Defendants.

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Case No. 4:20-cv-724-ALM-KPJ

ORDER

Pending before the Court is Defendants’ Motion to Vacate Entry of Default (the “Motion”) (Dkt. 21). Defendants’ Motion was filed on February 25, 2021. Under the Eastern District of Texas’s Local Rules, Plaintiff’s response to the Motion was due on March 11, 2021. *See* LOCAL RULE CV-7(e). To date, the Court has not received any such response.

Pursuant to the Local Rules, “a party’s failure to oppose a motion in the manner prescribed [in LOCAL RULE CV-7(d), (e)] creates a presumption that the party does not controvert the arguments set out by movant and has no evidence to offer in opposition to the motion.” LOCAL RULE CV-7(d).

Additionally, the Court takes judicial notice of Plaintiff’s missed deadlines in other matters before the Court. *See, e.g., Cunningham v. USA Auto Prot., LLC*, No. 4:20-cv-142-RWS-KPJ, Dkt. 95 (E.D. Tex. Feb. 10, 2021) (noting Plaintiff missed court deadline by four months, and yet, had time to move forward with numerous other cases); *Cunningham v. Assured Auto Group*, No. 4:20-cv-141-RWS-KPJ, Dkt. 47 at 4 n.1 (E.D. Tex. Mar. 2, 2021) (stating Plaintiff “has repeatedly, across these cases, failed to comply with deadline requirements to file responses to dispositive

motions to dismiss”). The Court warns Plaintiff that he is required to comply with the Federal Rules and Local Rules, which includes timely responding to motions.

IT IS THEREFORE ORDERED that Plaintiff shall file a response, if any, to Defendants’ Motion (Dkt. 21) within seven (7) days after receipt of this Order.

So ORDERED and SIGNED this 22nd day of March, 2021.

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE